

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:05CV51-MU**

AMANDA U. AJULUCHUKU,)
)
 Plaintiff,)
)
 v.)
)
BANK OF AMERICA,)
)
 Defendant.)

)

ORDER

THIS MATTER is before the Court on its own motion. On February 4, 2005, Plaintiff filed a Motion to Proceed *in forma pauperis*, which this Court granted on February 10, 2005. Subsequently, on February 10, 2005, Plaintiff filed her Complaint. The Summons issued on February 14, 2005, but it did not specify an officer, a managing or general agent, or any other authorized agent upon whom service could be effected, as required by Rule 4 of the Federal Rules of Civil Procedure. Nonetheless, on February 25, 2005, the Summons and Complaint were served on Defendant Bank of America.

On March 18, 2005, in light of the fact that Defendant had not filed an Answer or otherwise responded to the Complaint, Plaintiff filed a Motion for Entry of Default against Defendant. Then, on April 1, 2005, Plaintiff filed a Motion for Default Judgment. This Court, in an Order dated April 22, 2005, denied both of Plaintiff's Motions due to improper service of the Complaint and Summons. Subsequently, on April 29, 2005, Plaintiff filed a "Motion to Serve Defendant Via Proper Service." In this Motion, Plaintiff asked the Court to authorize service of the Complaint and Summons on "Kenneth D. Lewis, CEO of Bank of America." On May 4, 2005, the Court denied Plaintiff's "Motion to Serve Defendant Via Proper Service" as such

motion was not proper for disposition by the Court, but Plaintiff was advised that the time for service of the Complaint and Summons had not expired. The Court, however, failed to direct the Clerk to issue a new summons and deliver it to the U.S. Marshal for service without additional cost by Plaintiff, who is proceeding *in forma pauperis*. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff has until and including June 10, 2005 to serve the Summons and Complaint on Defendant.

IT IS THEREFORE ORDERED that the Court will extend the time in which Plaintiff has to serve the Summons and Complaint by thirty (30) days, to and including July 11, 2005.

IT IS FURTHER ORDERED that the Clerk will issue the summons and deliver it forthwith to the U.S. Marshal who will make service of process without additional cost as is usual in cases proceeding *in forma pauperis*.

Signed: June 1, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

